



Department of Conservation and Recreation
Stewardship Council Meeting
June 7, 2007
Saltonstall Building, Boston, Ma

Meeting Minutes

Stewardship Councilors in Attendance: Chairman Dick Cross, Councilors, Julian Agyeman, Christina Crowley, Michael Dutton, Laura Johnson, John Natoli and Dan Wolf.

Public Attendees: Carole Berkowitz, Protect Our Water Resources; Mike Ryan, Friends of the Fells; Betsy Sherwood; Sharl Heller, Friends of Myles Standish State Forest; Ray Weber, Friends of Robinson State Park; Claudia Hurley, Friends of Robinson State Park; Carol Gilmour, Friends of Robinson State Park; Steve Kaiser, Association of Cambridge Neighborhood; Heidi Ricci, Mass Audubon; Jen Baker, Environment Massachusetts; Frank Gorke, Environment Massachusetts; Ben Martens, Charles River Conservancy; Bob Wilbur, Mass Audubon; A. Richard Miller, Cochituate State Park Advisory Committee; Carl Rosenstein, constituent of the Town of Becket/Buckley Dunton Landowner.

DCR Staff in Attendance: Commissioner Rick Sullivan, Priscilla Geigis, Stephanie Cooper, Jonathan Yeo, Marianne Fleckner, Anne Fiesinger, Jim DiMaio, Margie Lynch, Tom LaRosa, Bob O'Connor, Pat Flynn, Jim Comeau, Jack Donohue, Marcelle Valentin, and Joe Rotondo, and Will Natoli.

I. **Call To Order (1:40 p.m.), Councilor Cross**

- a. Councilor Cross introduced the Department of Conservation and Recreation newly appointed Commissioner, Rick Sullivan who commences his duties on Monday, June 11th.
- b. Commissioner Rick Sullivan gave brief remarks. He greeted the public attendees, Council members, and DCR staff in attendance. Even though Commissioner Sullivan he does not officially begin his role until June 11th he was able to attend the Ranger of the Year ceremony and to present the Silver Award to Betsy Cormier and acknowledge the wonderful job she has done at Otter River State Forest. Commissioner Sullivan mentioned his belief in the mission of DCR and the honor of working with the agency. He also mentioned the support and assistance he anticipates the Governor's Office and EOEEA will provide DCR to move to the next level.

II. **Commissioner's Report, Acting Commissioner Priscilla Geigis**

- a. Acting Commissioner Geigis reiterated the energy and excitement of the Department of Conservation and Recreation about its new leadership. She stated that Rick Sullivan brings to DCR a wealth of management experience in government, having been Mayor of Westfield for twelve years, as well as a strong background in the environment. She also noted that he served as founding president of the Winding River Land Conservancy, which has protected some 1,700 acres of land in western Massachusetts.
- b. Discussed the great honor of functioning as the Acting Commissioner during the past five months' transitional period. Thanked the DCR staff, Partners and Friends groups, and the Stewardship Council for their support and dedication. Effective June 11th Acting Commissioner Geigis will return to her previous role as Director of State Parks.
- c. Update was given on the Spring 2007 public engagement efforts Park Serve Day and *The Great Park Pursuit* – Massachusetts Outdoor Family Adventure.
 - i. **Park Serve** held on May 12th, received 1,330 volunteers who participated in a variety of activities at 51 parks. A total of 4,655 man-hours of effort resulted in the planting of 580 trees and flowers and the hauling away of 46.8 tons of trash. The support of DCR

staff, as well as the Governor's Office of Public Liaison and the Executive Office of Energy and Environmental Affairs was instrumental to the success of this event, which we look forward to repeat in future years. Many thanks to Stephanie Cooper and Margie Lynch for their role in assembling this event.

- ii. **Great Park Pursuit** to date more than 570 teams, or 1,216 individuals, have registered for this team adventure series being held on six consecutive Saturdays in Massachusetts state parks, which had a start date of May 19th and will end on Saturday, June 23rd. The kick off event on May 19th began at the Blue Hills Reservation, activities involved safe hiking, pond life, birds of prey; May 26th took place at Great Brook Farm, activities involved milking cows, hiking, participating in an egg toss and a cake walk, and riding in a hay wagon; Last Saturday, June 2nd location was at Blackstone River and Canal Heritage State Park which had 20 activity stations, including canoeing, fishing, and biking, maple sugaring, interpretive wagon rides, living history walks along the canal, and quests through the "Follow the Plough" Visitor Center exhibits. Each event enlists a monumental undertaking by people from all parts of the agency. This program is reconnecting children and families from across Massachusetts to their state parks, promoting a healthy lifestyle through active recreation, and encouraging a new generation of stewards for our parks and open spaces. Three more events to go!
- d. On May 24, DCR's Urban and Community Forestry Program honored 88 Massachusetts municipalities with 2007 **Tree City USA** awards, and three utility companies with Tree Line USA awards. The awards honored these entities for their commitment to urban and community forestry.
- e. **Earthfest**, held on May 19 at the DCR Hatch Memorial Shell on the Esplanade, had a record turnout with an estimated crowd of 150,000 attendees.
- f. June 2nd marked the 15th annual **National Trails Day**, sponsored nationwide by the National Hiking Society. DCR staff coordinated with many partners on a variety of programs and volunteer activities at agency facilities, including trail maintenance or construction and tree-plantings. On that same day, DCR's Universal Access Program offered a fun-filled day for persons with disabilities, their families, and friends, at a free **Accessible Recreation Fair** at Artesani Park in Brighton.
- g. DCR held a number of public meetings over the past month to share information with the public and obtain input in our planning processes. Public meeting were held for review of plans to rehabilitate a historic wall along the Arborway; garner feedback on historical information about Richardson Park, Dorchester, and its monuments, as well as on preservation of its wood flagpole; discuss a proposed project to initiate forest management activities to improve the long-term health of Boxford State Forest and its wildlife; obtain public comment on the proposed pathway rehabilitation at Chestnut Hill Reservation; and, as part of a series of 11 meetings being held this spring in the Blackstone District, to gather information to identify and document heritage landscapes in DCR facilities.
- h. On June 9, over 30 DCR staff will take part in the Conservation and Recreation Campaign's **Partners in Parks Conference** where attendees will learn about how they can get involved with their local parks and make their participation effective and meaningful. Co-sponsored by more than 50 groups and organizations, including DCR and EOEEA.
- i. Twelve **Park Fellows**, college students interested in park management and operations, began their 12-week course at various DCR facilities on June 3. Under this program, designed to help them explore their interests through practical field experience, each Fellow is assigned a DCR mentor and completes rotations at two different DCR facilities, giving each Park Fellow the widest range of experiences possible.

- j. By the beginning of Memorial Day weekend, all campgrounds, with the exception of the Boston Harbor Islands, were open on schedule; more than 80 DCR beaches were operational, in terms of parking and toilet facilities, water quality testing procedures, and general facility maintenance; lifeguard service was offered at 15 of the agency's most popular ocean and inland beach facilities; and ten spray and wading pools were opened. On Father's Day weekend, lifeguard service will be expanded to an additional 39 beaches; 27 deepwater pools will begin operations; and Spectacle Island will open.
- k. For the first time this year, October Mountain State Forest in Lee is offering yurt camping; DCR is operating two new accessible boating programs, sailing at Community Boating on the Esplanade in Boston and kayaking at Spot Pond in the Middlesex Fells in Stoneham; and, in late June, the Cape Cod Rail Trail Rehabilitation Project will be completed, and the full trail – widened, repaved, and made safer for users – will be reopened to the public.
- l. The Massachusetts State Senate has approved \$90,638,756, in operating funding for DCR in their version of the **Fiscal Year 2008 General Appropriation Act**, including \$3.1 million in earmarks. This compares with the House final amount of \$97,266,638, which contained \$8.4 million in earmarks. The Joint Conference Committee on the budget has been appointed and DCR is working with EOEEA and the Governor's Office to achieve the best possible outcome for the agency.
- m. Update from last month's meeting regarding the future plans for management of **DCR bridges and parkways**. Transportation Secretary Cohen and Secretary Bowles have reached an agreement in this area, based on their mutual goal of realigning the missions of the Mass Highway Department and DCR. The major component of the agreement will transfer to MHD, beginning in Fiscal Year 2009, responsibility for rehabilitation of 31 DCR bridges that are in the worst condition, including Longfellow Bridge, as well as Storrow Drive Tunnel. EOT will also take on responsibility for coordinating and phasing all major construction activity in the Charles River Basin to mitigate its impacts and to ensure access while important rehabilitation work is being completed. DCR will continue to work with MHD and the Executive Office of Transportation (EOT) to hone an agreement covering maintenance and upkeep of other DCR vehicular bridges. Discussions have begun at a high level regarding DCR parkways and the aspects of their maintenance and care that cost appropriate for each agency. Focusing on mission realignment, DCR will work with EOT and MHD to identify recreational responsibilities currently held by MHD that may be more in keeping with DCR's mission, to transfer to our agency.
- n. Of particular note this month was the naming of Betsy Cormier, Park Interpreter at Otter River State Forest and Lake Dennison State Recreation Area, as a Silver Medal Award Winner in Reserve America's 2007 Ranger of the Year Competition. For her dedication to preserving and protecting public lands, courageous spirit and unwavering character and for being a knowledgeable and compassionate professional, Betsy was selected for a Silver Medal Award, bringing honor to herself, her park, and the entire Massachusetts state park system.

III. Committee Updates and Meeting Schedules

a. **Finance Committee, John Natoli**

- i. Councilor Natoli informed that the proposed funding for the RMP program, performance standards and gap analysis was introduced in the Legislature but it was not adopted. Marianne Fleckner, Deputy Commissioner of Administration and Finance followed up with the details of the proposal.

- ii. Marianne Fleckner confirmed the Senate Budget \$90,638,756, in operating funding for DCR including \$3.1 million in earmarks. This is compared to the House final amount of \$97,266,638, which contained \$8.4 million in earmarks. The overall goal is to increase the bottom line for the betterment of the agency and will be working closely with the Finance Committee to achieve this. The Senate is currently meeting to finalize the budget and the standard decision time is two weeks. The goal is to have the budget by July 1, 2007 for the Fiscal Year 2008. Councilor Wolf inquired about the finance standards against performance standards; spending at each park facility; and how can the Stewardship Council measure the standards, assessments, goals, and make comparisons to other park systems if they do not have the budget or tools. **The Council would like a follow up on the degree of control to redirect funds for resources that the Stewardship Council is responsible for such as the gap analysis and/or any funds they can receive to do the measures and assessments for the agency.** Marianne informed the Council that the codes we have created allow for better tracking of spending at the park level and is working with the Finance Committee to improve the tracking. The RMP/performance standards line item was not adopted by the House or Senate and it is not on the conference table.
- b. **Resource Management Plan Committee, *Laura Johnson***
 - i. Councilor Johnson mentioned that there is a plan to meet to discuss the status of resources and progress related to the program. Councilor Cross thought maybe the participation of an executive seat in the discussion of RMP in the committee meeting would be helpful. Councilor Cross will propose having an executive committee to report on some of the issues.
- c. **Policy Committee, *Julian Agyeman***
 - i. Councilor Agyeman informed the group that there will be a conference call on the Public Outreach and Consultation for Forest Cutting Plans Policy with the committee and will report an update to the Council at the next Stewardship Council meeting.

IV. **Land Acquisition Eminent Domain Approvals, *General Counsel, Tom LaRosa***

- a. General Counsel LaRosa briefed the Council on a request for a vote and approval of the Council to use eminent domain authority to acquire parcels in three locations.
 - i. **Eminent Domain Taking for State Parks and Recreation Pursuant to General Laws Chapter 132A, §3, §3A, Town of Hadley, Hampshire County** - The Department of Conservation and Recreation (DCR) proposes to take by eminent domain two parcels of land in the Town of Hadley, Hampshire County, for park purposes. The land is located adjacent to the Connecticut River Greenway State Park and is on the Connecticut River. Chapter 132A, Section 3A, of the General Laws requires that, in order to take land within the Department's state parks district, the Department obtain the approval of the Stewardship Council. The parcels of land DCR proposes to take are within the State Parks district and would be incorporated into the Connecticut River Greenway State Park. The taking is "friendly," which means that the landowner and the Commonwealth have negotiated the purchase price for the land and all other conditions of the transaction, and will memorialize this agreement in a document entitled "Agreement and Release." This document provides that the taking of said property may be completed in a consensual transaction without the necessity of litigation. Under these circumstances, there is no threat of a lawsuit by the landowner for additional damages once the taking has occurred. This property is valuable to the Commonwealth because of its unique

location and its conservational and recreational attributes. The Stewardship Council members were All in Favor for the taking, and gave their approval.

ii. **Eminent Domain Taking of Parkland off Broadway (Route 107) in Revere, Massachusetts, Pursuant to Massachusetts General Laws Chapter 92, Section 79.**

The Department of Conservation and Recreation (DCR) proposes to take by eminent domain a 3.5 +/- acre parcel of land within the Rumney Marshes Area of Critical Environmental Concern (ACEC) in the City of Revere, for open space preservation purposes. Massachusetts General Laws Chapter 92, Section 79, requires that the DCR obtain the concurrence of a majority of the Stewardship Council in order to take land within DCR's urban parks district. The above-described parcel of land the DCR proposes to take is within the urban parks district, and would become part of the Rumney Marsh Reservation. This land is valuable to the DCR and the Commonwealth because of its unique location and its conservation values. Once acquired, it will expand the protection of open space within what is the largest coastal wetland in the Greater Boston area. Like the transaction described above, the proposed taking is "friendly", with a consensual "Agreement and Release" that will be executed as part of the transaction, with no threat of litigation. The Stewardship Council members were All in Favor for the taking, and gave their approval.

iii. **Eminent Domain Taking for State Parks and Recreation Pursuant to General Laws Chapter 132A, §3, §3A, Town of Sandisfield–**

The Department of Conservation and Recreation (DCR) proposes to use its power of eminent domain to acquire a parcel of land in the town of Sandisfield for conservation and recreation purposes. Section 3 of Chapter 132A of the General Laws authorizes the Commissioner of DCR to use the power of eminent domain to acquire land. In accordance with Section 3A, the use is subject to Stewardship Council approval, as well as the approval of the local Board of Selectmen. In this matter, the Department's ability to acquire the land in FY07 is prevented due to regulatory pre-purchase requirements, such as the 120 day prior notice and 60 day prior public hearing steps. These steps are not applicable to acquisitions by eminent domain, however, which is one reason the Council's approval of a taking is being sought. Another reason is that, although the Department is currently negotiating with the owners of the property to affect an amicable conveyance, the possibility that the Department will not be successful makes it essential that the Commissioner have the authority to proceed with a taking. In support of the Department's efforts to protect the land, the Sandisfield Board of Selectmen voted on June 4 to approve DCR's use of eminent domain. The Department has been through several rounds of negotiations with the current and prior owners of the land since the mid 1990s. The property meets every criterion DCR uses to evaluate a potential acquisition, and its importance has led the Secretary of EOEEA to authorize capital funds for DCR's taking, even if hostile. Department staff looks forward to providing the Council members with information to illustrate the value and importance of the land at the next Stewardship Council meeting.

- Bob Wilbur from Mass Audubon was in attendance to answer questions if needed.
- Discussion went on regarding the parcel of land in the town of Sandisfield noted above and eventually a motion was made with a unanimous roll-call vote to hold an Executive Session to further consider the acquisition and taking of this real property, recognizing that open discussions at that time may have a detrimental effect on the negotiating position of DCR.. All Council members present attended and participated in the Executive Session, except for Councilor Laura

Johnson who abstained and did not attend the Executive Session. Following discussion, the Stewardship Council members present in the Executive Session voted All in Favor for the Eminent Domain authorization and gave their approval, provided that the total cost of the transaction did not exceed \$5.4 million. The Vote of the quorum that was present and that deliberated towards a decision in the Executive Session was as follows (“yes” meaning in favor of the eminent domain authorization):

Chairman Dick Cross	-	Yes
Councilor Julian Agyeman	-	Yes
Councilor Christina Crowley	-	Yes
Councilor Michael Dutton	-	Yes
Councilor John Natoli	-	Yes
Councilor Dan Wolf	-	Yes

V. **Follow up Issues from May Meeting**

- a. General Counsel, Tom LaRosa provided some follow-up information regarding DCR’s role in review and comment on private development projects. The question had been raised concerning the statutory role of DCR, including the Stewardship Council, in reviewing and commenting upon or approving development projects proposed for private property that may impact upon open spaces under the care and control of DCR. A handout was provided and Tom LaRosa stated that DCR does not have any statutory authority to approve, or deny, land use decisions proposed for private property, but does comment to local and state permitting agencies on concerns that may fall within DCR’s statutory mission or function or potential impacts to DCR property. Councilor Dutton inquired if the Stewardship Council has any authority and/or if there is a process regarding particular projects or developments that occur near State Parks, he feels it would be helpful to have a mechanism to coordinate review when developments are proposed. Chairman Cross said that the Council will work with DCR on the best way to review any developments near DCR property.
- b. General Counsel, Tom LaRosa researched and gave follow-up information regarding the MEPA and Section 61 Commitments for Wachusett Mountain Ski Area Expansion, EOEEA #9690 and EOEEA #11974 (RMPP) letter sent to Acting Commissioner Geigis on April 23, 2007. General Counsel LaRosa sent a return letter on June 6, 2007 to Attorney Bracken; Wachusett Mountain Associates; Heidi Ricci, Mass Audubon; Tom Sullivan, Chair, WMAC; and Deerin Babb-Brott, EOEEA MEPA program providing updates on the specific issues that were raised in the letter.

VI. **Approval of Minutes from May 4, 2007 meeting**

All were in favor of the minutes from May 4, 2007.

VII. **Public Comment**

- a. **Claudia Hurley** of the Friends of Robinson State Park discussed the group’s concerns about the mandates of the FSC Certification.
- b. **Carl Rosenstein resident** of the Town of Becket/Buckley Dunton Landowner gave a verbal presentation regarding the mandates of green certification, cutting and removal of lumber, and forest management.

- c. **A. Richard Miller** of the Cochituate State Park Advisory Council discussed briefly a list of issues about various locations.
- d. **Mike Ryan** of the Friends of Fells inquired to Acting Commissioner Geigis to comment about the input or issues regarding any public involvement on the commitments on the mission ideas of the infrastructure of the bridges and Mass Highway Department's responsibilities and query if there will be public comment. Acting Commissioner Geigis was not sure of the specifics regarding public involvement, but stated that there will be an opportunity. There was also inquiry about the Off Road Vehicle policy and enforcement plans. Acting Commissioner Geigis responded that it is currently being worked on.
- e. **Heidi Ricci** of Mass Audubon discussed the document she submitted on behalf of Mass Audubon on March 16, 2007 in regards to forest management planning, policies, and public participation mechanisms for DCR lands. Concerns in the procedures affecting the public use of public reservation among other concerns. Inquired if more clarity can be given in regards to the Public Outreach and Consultation for Forest Cutting Plans Policy.
- f. **Sharl Heller** of the Friends of Myles Standish wanted to inform the Council that she is a new founding member of FMS.
- g. **Ray Weber** of the Friends of Robinson State Park gave a PowerPoint presentation about the group's concerns and issues related to proposed forest management plans at Robinson State Park and other DCR properties.

VIII. **Meeting Schedule** – Next meeting will be Thursday, July 12 at Great Brook Farm outdoor pavilion in Carlisle.

Meeting adjourned 4:30 pm
Executive Session 4:30 – 5:00